



BYRON W. BROWN  
MAYOR

**CITY OF BUFFALO**  
**DEPARTMENT OF LAW**



TIMOTHY A. BALL  
CORPORATION COUNSEL

August 19, 2019

The Honorable Christina Reiss  
United States District Court, District of Vermont  
P.O. Box 446  
Burlington, VT 05402-0446

Re: *Black Love Resists in the Rust, et al. v. the City of Buffalo, et al.*  
18-cv-719


Dear Judge Reiss:

Defendants are in receipt of Plaintiffs' Motion for Entry of an Order (See, DKT No. 38) in the above matter on today's date. I have reviewed the Motion as well as the cited local rule regarding timing of opposition papers and offer this as a preliminary and immediate response thereto. In my experience in the Western District, the Court has always set a briefing schedule for motions and I was anticipating that to be done here. Defendants certainly intend to oppose Plaintiffs' Motion to Compel and respectfully request the opportunity to do so, and that a briefing schedule be set, and if there is any thought that one has been waived. Given the timing and as a good faith effort to move this matter along, we will file opposing papers to the Plaintiffs' motion as soon as possible, and certainly by the end of tomorrow, August 20, 2019, if an additional briefing schedule is not forthcoming. We will set forth all grounds more fully and formally in our opposition, but wanted to submit this as soon as possible given the severity of the relief requested and the surprise of receiving this motion.

Thank you for your courtesies and attention.

Respectfully yours,

TIMOTHY A. BALL, ESQ.  
Corporation Counsel

  
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